

Senate Votes on EPA Mercury Emission Rules

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WASHINGTON -- Senators are challenging the Bush administration over its approach to reducing power plant emissions of mercury, a toxic metal that poses serious threats of neurological damage to newborn and young children.

The White House insists its market-based approach to curtailing mercury pollution is effective and founded on sound science, and warned that the president will veto any legislation that would overturn rules on mercury emissions finalized by the Environmental Protection Agency last March.

The Senate votes Tuesday on a measure that would repeal those rules, and the outcome is uncertain. At least three Republicans have said they will join Democrats in moving to strike down the regulations and force the administration to come up with stronger measures to combat the health hazard.

A victory for opponents of the rules could be short-lived: The GOP-dominated House could ignore the Senate action, and the presidential veto threat looms if the House were to go along.

The debate highlights two very different approach to environmental protection. The administration rules, backed by the utility industry, would set a nationwide cap on mercury emissions and put a ceiling on allowable pollution for each state. But individual plants, through a cap-and-trade system, can avoid cleanups by buying pollution credits from plants that are under allowable levels.

The utility industry says this method was successful in reducing acid rain in the 1990s.

But opponents say the rules are too weak and would prolong a health risk that leaves newborns vulnerable to birth defects and mental retardation.

The EPA rules, said Sen. James Jeffords, I-Vt., violate the Clean Air Act. "The rule is plainly illegal. It is unwise. And it is definitely unhealthy for Americans living downwind of coal-fired power plants, especially mothers and their soon-to-be-born children."

Mercury pollutants work their way up the food chain after being absorbed by fish.

The sponsors of the resolution, Sens. Patrick Leahy, D-Vt., and Susan Collins, R-Maine, turned to a little-used 1996 law that allows Congress to challenge agency rules with a guaranteed floor vote. The law has been successfully invoked only once, when Congress in 2001 repealed Clinton administration workplace ergonomics regulations.

By repealing the EPA rules, the Senate would compel the agency to rewrite the rules. The revisions would be in line with Clean Air Act standards requiring the use of the best available technology to reduce mercury emissions.

Leahy said the Clean Air Act would start reductions in 2008. They would achieve up to 90 percent reductions far sooner than the EPA rules that, according to Leahy, don't begin to cut emissions until 2018 and will not reach the goal of 70 percent reductions until 2030.

But supporters of the EPA rules said repealing the administration approach could have a devastating impact on the economy, forcing power plants to abandon coal for natural gas and driving up natural gas prices. They contended it would cost \$358 billion to achieve the 90 percent reduction in three years, as opposed to a cost of \$2 billion under the administration plan.

"It just can't be justified from a cost-benefit point of view," said Sen. George Voinovich, R-Ohio.

The EPA approach "combines significant reductions in emissions with protection for energy security and consumers," said Scott Segal, director of the Electric Reliability Coordinating Council. "But these senators now seek to disrupt the program."